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SENATE BILL 3041 By
Leatherwood

HOUSE BILL 2925
By Scroggs

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6, relative to invasion of privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following language as a new, appropriately designated section:

Section 39-13-6__.

(a) A person commits an offense who knowingly places a camera, videotape, photo-optical, photo-electric, or any other image recording device in the habitation of another without the effective consent of the property owner.

(b) A person commits video voyeurism who knowingly uses any camera, videotape, photo-optical, photo-electric, or any other image recording device for the purpose of observing, photographing, filming, or videotaping another person if that other person has not consented to the observing, viewing, photographing, filming, or videotaping and such observing, viewing, photographing, filming, or videotaping is for any lewd or lascivious purpose.

(c) As used in this section:

(1) "Owner" means a person in lawful possession of property, whether the possession is actual or constructive; and

(2) "Habitation" means any structure used and occupied as a permanent dwelling place.

(d) A violation of this section is a Class D felony.

(e)(1) Any person aggrieved in violation of this section may, in a civil action from the person or entity which engaged in a violation of this section, recover the following relief:

(A) The greater of:

(i) The sum of the actual damages, including any damage to personal or business reputation or relationships, suffered by the plaintiff and any profits made by the violator as a result of the violation; or

(ii) Statutory damages of one hundred dollars (\$100) a day for each day of violation or ten thousand dollars (\$10,000), whichever is greater; and

(B) Punitive damages; and

(C) A reasonable attorney's fee and other litigation costs reasonably incurred.

(2) Any person aggrieved in violation of this section may seek to enjoin and restrain such violation and may in the same action seek damages as provided by subsection (e)(1).

(3) It is a complete defense against any civil or criminal action brought under this section that there was good faith reliance on a court warrant or order, a grand jury subpoena, a legislative authorization, or a statutory authorization.

(4) A civil action under this subsection may not be commenced later than two (2) years after the date upon which the claimant first discovered or had a reasonable opportunity to discover the violation.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.